

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

In the matter of the Application of
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS WIRELESS,

Applicant,

for the Determination of Reasonable License Fees


Civil Action No. 41-1395 (WCC)

~~PROPOSED~~
STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and among the American Society of Composers, Authors and Publishers ("ASCAP") and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") (collectively, the "Parties") that:

1. On or before **March 17, 2009**, ASCAP shall file its proposal for an interim fee ("Interim Fee Proposal") from Verizon Wireless;
2. On or before **April 10, 2009**, Verizon Wireless shall file its response to ASCAP's Interim Fee Proposal;
3. On or before **April 23, 2009**, ASCAP shall file its reply to Verizon Wireless's response to the Interim Fee Proposal;
4. On or before **May 5, 2009**, ASCAP shall serve its proposal for final fees on Verizon Wireless.

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5. On or before **May 15, 2009**, Verizon Wireless shall serve its proposal for final fees on ASCAP.

6. The Parties shall complete fact discovery by **May 18, 2009**;

7. On or before **May 18, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;

8. On or before **June 4**, ASCAP shall serve any initial expert reports on Verizon Wireless;

9. On or before **July 2, 2009**, Verizon Wireless shall serve any initial or rebuttal expert reports on ASCAP;

10. On or before **July 23, 2009**, ASCAP shall serve any expert rebuttal reports on Verizon Wireless;

11. On or before **August 6, 2009**, Verizon Wireless shall serve any expert rebuttal reports on ASCAP;

12. The parties shall complete expert discovery by **August 28, 2009**;

13. The Parties shall file any dispositive motions with the Court on or before **September 15, 2009**;

14. Dispositive motion response briefs shall be filed within 3 calendar weeks following the filing of any dispositive motion;

15. Dispositive motion reply briefs shall be filed within 5 business days following the filing of any response brief;

16. The Parties shall appear for a pretrial conference on **October 16, 2009**, at **10:15 a.m.**;

Nothing in this Scheduling Order shall prevent either party from asking the Court to set additional dates or otherwise modify this Scheduling Order.

The parties, by their counsel, hereby consent to the foregoing Order:

Dated: New York, New York
February 26, 2009

LOVELLS LLP



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*Attorneys for American Society of
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(Signatures continue on the following page.)

Dated: Washington, D.C.
February 26, 2009

WILEY REIN LLP

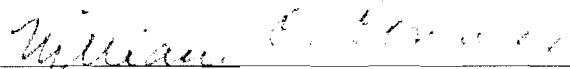


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*Attorneys for Cellco Partnership d/b/a
Verizon Wireless Wireless*

SO ORDERED.

Dated: White Plains, New York
February 27, 2009



Sr. United States District Judge